

ASSEMBLY BILL

No. 2359

Introduced by Assembly Member Williams

February 18, 2016

An act to add Section 16001.1 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2359, as introduced, Williams. Foster care placement: resource family rights.

Existing law provides for the placement of certain children in foster care, relative placement, adoptive homes, or resource families under the supervision of the State Department of Social Services and county welfare departments. Existing law establishes rights for minors and nonminors in foster care, including the right to live in a safe, healthy, and comfortable home where he or she is treated with respect.

This bill would establish specified rights for foster families, kinship guardians and relative placements, adoptive families, and resource families, including the right to receive specified information from the department and the right to be treated with dignity, respect, trust, and consideration as a member of the professional team caring for foster children.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16001.1 is added to the Welfare and
- 2 Institutions Code, to read:

1 16001.1. (a) It is the policy of the state that all caregiver
2 members of a foster family, adoptive family, or resource family
3 or a kinship guardian shall have the following rights:

4 (1) The right to be treated with dignity, respect, trust, and
5 consideration as a resource family and a member of the professional
6 team caring for foster children.

7 (2) The right to receive from the department information about
8 available training and support for the purpose of improving skills
9 in providing daily care, meeting the special needs of the child in
10 foster care, and understanding the rights and responsibilities of a
11 resource family.

12 (3) The right to be provided a current explanation of the role of
13 the State Department of Social Services and a means by which the
14 resource family can contact the department 24 hours a day, seven
15 days a week for the purpose of receiving assistance.

16 (4) The right to work with the department to facilitate the
17 placement of a child who can participate in, and benefit from, the
18 resource family's customs and routines.

19 (5) The right to refuse placement of a particular child within
20 their home.

21 (6) The right to receive the child's needs and services plan and
22 health and education summary within 30 days of a first placement
23 and 48 hours on subsequent placements. In addition, the department
24 shall, prior to placement, provide available information about the
25 child's characteristics and behaviors that may assist the resource
26 family in meeting the child's needs and safeguarding the health
27 and safety of all members of the resource family.

28 (7) The right to receive timely financial reimbursement as per
29 state rate-setting guidelines found in the State Department of Social
30 Services Manual of Policies and Procedures for the care of a child
31 in foster care.

32 (8) The right to be provided by the department with a copy of
33 the child's written case plan with timely updates as the plan
34 evolves, including, but not limited to, all available information
35 regarding the child's contact with his or her birth family.

36 (9) The right to provide input to the department concerning the
37 child's case plan, including issues of safety, permanency, and
38 well-being, and the right to have that input considered in the
39 ongoing development of the child's case plan.

1 (10) The right to be invited and encouraged by the department
2 to actively participate in the case planning and decisionmaking
3 process regarding the child. This includes attending team
4 decisionmaking meetings and other meetings, as appropriate.

5 (11) The right to be permitted by the department to communicate
6 pertinent information pertaining to a child in their care with
7 professionals who work with the child, including the child's
8 doctors, dentists, school personnel, and any other professionals
9 approved by the department.

10 (12) The right to be provided a current explanation and
11 understanding of the role of the department and the role of the
12 members of the child's birth family in the child's foster care, with
13 updates as the child's case plan evolves.

14 (13) The right to be notified by the department of all court
15 hearings pertaining to the child. This notification shall include,
16 but is not limited to, notice of the date, time, and location of the
17 hearing, the court case number, and the caretaker statement form.
18 The notification shall be made according to the time frames
19 required by law, and at the same time that notification is issued to
20 birth parents.

21 (14) The right to be considered by the department as a permanent
22 placement for the child, who, after being in the resource family's
23 home, becomes free for adoption or permanent foster care
24 placement.

25 (15) The right to request training, counseling, or other assistance
26 to preserve the child's placement.

27 (16) The right, after the resource family's and department's
28 joint efforts to preserve the placement have failed, to request, upon
29 seven days' notice to the department, the removal of a child for
30 good reason.

31 (17) The right to be provided by the department with timely
32 notification of changes to or termination of the placement and the
33 reasons for the changes to or termination of placement, except in
34 instances of immediate response for the protection of the child or
35 in compliance with orders of the court.

36 (18) The right to receive notice of termination of foster care
37 placement seven days prior to termination, unless the child is
38 physically or psychologically endangered, the court orders removal,
39 a parent or guardian in a voluntary placement orders removal, there
40 is a signed waiver from a parent member of the resource family,

1 or removal is from an interim placement directly into an adoptive
2 home. In addition, the resource family shall have the right to utilize
3 the department's grievance procedures to request a hearing on the
4 reasons for termination of the placement.

5 (19) The right to be considered as the fourth in line for
6 placement, after a previous noncustodial parent, a family member,
7 or a nonrelative extended family member, when a foster child
8 formerly placed with the resource family is to be reentered into
9 foster care.

10 (20) The right to receive from the department, upon request,
11 copies of documents contained in the department's licensing file
12 regarding the resource family home, except those that are deemed
13 confidential by state law unless released pursuant to court order.

14 (21) The right to confidentiality regarding contact information
15 in the resource family home, unless disclosure is ordered by the
16 court.

17 (22) The right to be free from discrimination, as defined by
18 Section 16013, coercion, and retribution by the department.

19 (23) The right, if a child abuse or neglect investigation against
20 the resource family ensues, to have the investigation initiated within
21 10 days of the department's receipt of the allegation, and the right
22 to be kept informed of the status of the investigation.

23 (24) The right to be advised by the department of complaint and
24 grievance procedures.

25 (25) The right to file a complaint or, when applicable, a
26 grievance in response to violations of this section using the
27 department's established grievance procedures.

28 (b) For purposes of this section "resource family" means a foster
29 family, adoptive family, relative placement or kinship guardian,
30 or a resource family.